

U.S. Department of Justice
United States Marshals Service

Case 3:08-cv-00438-H-LSP

Document 10

Filed 08/27/2008

Page 1 of 3

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF

RICARDO LOPEZ

DEFENDANT

C. COOK, Medical Appeals Analyst

FILED

2008 AUG 27 AM 8:56

COURT CASE NUMBER

08-CV-0439-H(LSP)

TYPE OF PROCESS

SERVE



AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

C. COOK, Medical Appeals Analyst

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

P.O. Box 731, 2302 Brown Road Imperial, CA. 92251

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Number of parties to be served in this case

4

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Defendant is an employee at the Centinela State Prison in Imperial, CA.

Signature of Attorney or other Originator requesting service on behalf of:

Ricardo Lopez

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

07-16-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin

918

District to Serve

918

Signature of Authorized USMS Deputy or Clerk

A. Suett

Date

7/24/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

am

pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

REMARKS:

7/24/08-mailed SEC
08/26/08-Rec'd waiver of service. Copy to Court and plaintiff

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

To: United States Marshal

08CV438 in complaint

I acknowledged receipt of your request that I waive service of summons in the action of Ricardo Lopez which is case number 08CV0439 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after July 25, 2008, or within 90 days after that date if the request was sent outside the United States.

Date August 21, 2008

RECEIVED

2008 AUG 26 A 8:11

U.S. MARSHAL
SOUTHERN DISTRICT OF
CALIFORNIA

Douglas E. Baxter
Signature
Printed/typed name Douglas E. Baxter
(as Deputy Attorney General)
(of Office of CA Attorney General)
Attorneys for C. Cook

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgement may be taken against the defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Ricardo Lopez

vs

C. Cook, Medical Appeals Analyst; R.H. Meisel,
Clinical Optometrist; N. Barreras, Chief Medical
Officer; Majid Mani, Opthamologist

SUMMONS IN A CIVIL ACTION

Case No. 08-CV-0439 H(LSP)

TO: (Name and Address of Defendant)

R.H. MEISEL
Centinela State Prison
P.O. Box 731
2302 Brown Road
Imperial, CA. 92251

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEY

Ricardo Lopez V-49533
California Men's Colony East (Cell 6279)
P.O. Box 8101
San Luis Obispo, CA 93409-8101

An answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

Clerk of Court

By, Deputy Clerk

July 9, 2008

DATE